

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claim 26 is amended. Claims 1-25 and 34-42 are canceled without prejudice. New claims 43-54 are added. Claims 26-33 and 43-54 are pending in this application.

35 U.S.C. § 101

Claims 26 and 28-33 stand rejected under 35 U.S.C. §101 as not being within technological art. As part of this response independent claim 26 has been amended, and Applicant respectfully submits that amended claim 26 complies with 35 U.S.C. §101. Given that claims 28-33 depend from amended claim 26, Applicant respectfully submits that claims 28-33 also comply with 35 U.S.C. §101.

Applicant respectfully requests that the §101 rejection be withdrawn.

35 U.S.C. § 112

Claims 28-34 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees. MPEP §2173.02 states that:

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. . . . In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and,

therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent.

Applicant respectfully submits that claims 28-34 do set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity, and that each of the claims as a whole apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement. As such, Applicant respectfully submits that claims 28-34 comply with 35 U.S.C. §112, second paragraph.

Applicant respectfully requests that the §112 rejection be withdrawn.

Claim Objections

Claim 34 stands objected to under 37 CFR §1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. As part of this response, claim 34 has been canceled without prejudice, thereby rendering the objection to claim 34 moot. Applicant respectfully requests that the objection to the claims be withdrawn.

35 U.S.C. § 102

Claims 26 and 28-34 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,529,725 to Joao et al. (hereinafter "Joao"). Claim 34 has been canceled without prejudice, thereby rendering the rejection of claim 34 moot. Applicant respectfully submits that claims 26 and 28-33 are not anticipated by Joao.

Joao is directed to a transaction security apparatus and method (see, Title). As discussed in the Abstract of Joao, a transaction security apparatus and method includes an input device for inputting transaction data, a processing device for processing the transaction data and for generating a signal corresponding to the transaction, and a transmitter for transmitting the signal over a communication network directly to a communication device associated with an individual account holder. The communication device provides notification to the individual account holder of the transaction.

In contrast, amended claim 26 recites in part:

maintaining a payment account in a user-accessible electronic wallet corresponding to a particular user; and
restricting where funds in the payment account can be spent.

Applicant respectfully submits that there is no discussion or mention in Joao of maintaining a payment account in a user-accessible electronic wallet as recited in amended claim 26, much less of restricting where funds in the payment account can be spent. Joao discusses that, as part of a cardholder authorization process, information and/or data can be transmitted from a central processing computer to a communication device that is located with the cardholder (see, col. 5, lines 24-25; col. 6, lines 13-15 and lines 36-40). If the cardholder does not reply to the central processing computer within a pre-specified time, the central processing computer may transmit a signal and/or data to the point-of-sale terminal indicating that, with the exception of receiving the authorization of the cardholder, the transaction is otherwise approved (see, col. 6, line 66 – col. 7, line 4). The central processing computer may also simply transmit a signal indicating that the transaction is not authorized and, therefore, should be cancelled or voided

(see, col. 7, lines 4-6). The communication device may also be programmable so as to limit and/or restrict certain things, such as the amounts and/or types of transactions, and/or goods and/or services which may be purchased with the card (see, col. 7, lines 52-65).

However, this authorization process of Joao does not make any mention of a user-accessible electronic wallet, much less of maintaining a payment account in a user-accessible electronic wallet and restricting where funds in that payment account can be spent. As there is no such discussion or mention in Joao, Applicant respectfully submits that Joao does not disclose the maintaining and restricting of amended claim 26.

For at least these reasons, Applicant respectfully submits that amended claim 26 is allowable over Joao.

With respect to claim 31, claim 31 depends from amended claim 26 and Applicant respectfully submits that claim 31 is allowable over Joao at least because of its dependency on amended claim 26. Furthermore, Applicant respectfully submits that Joao does not disclose restricting how the funds in the payment account can be combined with funds from another payment account prior to being spent as recited in claim 31. Joao discusses at col. 7, lines 52-65 to limit or restrict the amounts and/or types of transactions, and/or the goods and/or services which may be purchased with the card, the store or service providers which may be authorized to accept the card, limits on the dollar amounts of transactions pertaining to each authorized vendor, seller and/or service provider, daily spending limits, and/or the geographical area or location to which authorized use may be limited, and/or authorized times for card usage. However, nowhere in

Joao is there any discussion or mention of restricting how funds in a payment account can be combined with funds from another payment account prior to being spent as recited in claim 31. Without any such discussion or mention, Applicant respectfully submits that Joao cannot disclose or suggest restricting how the funds in the payment account can be combined with funds from another payment account prior to being spent as recited in claim 31.

For at least these reasons, Applicant respectfully submits that claim 31 is allowable over Joao.

With respect to claims 28-30 and 32-33, given that claims 28-30 and 32-33 depend from amended claim 26, Applicant respectfully submits that claims 28-30 and 32-33 are likewise allowable over Joao for at least the reasons discussed above with respect to amended claim 26.

Applicant respectfully requests that the §102 rejection be withdrawn.

New Claims

New claims 43-54 are added.

With respect to new claim 43, claim 43 depends from amended claim 26 and Applicant respectfully submits that claim 43 is allowable over the cited references at least because of its dependency on amended claim 26. Furthermore, Applicant respectfully submits that the cited references do not disclose a method as recited in claim 26, further comprising maintaining, in the electronic wallet, restrictions regarding where the funds in the payment account can be spent as recited in claim 43. For at least these reasons, Applicant respectfully submits that claim 43 is allowable over the cited references.

With respect to new claim 44, Applicant respectfully submits that, similar to the discussion above regarding amended claim 26, the cited references do not disclose one or more computer readable media having stored thereon instructions that, when executed by one or more processors, causes the one or more processors to: maintain a payment account in a user-accessible electronic wallet corresponding to a particular user; and restrict where funds in the payment account can be spent as recited in new claim 44. For at least these reasons, Applicant respectfully submits that claim 44 is allowable over the cited references.

With respect to new claims 45-51, new claims 45-51 depend from new claim 44 and Applicant respectfully submits that new claims 45-51 are each allowable over the cited references at least because of their dependency on new claim 44. Furthermore, Applicant respectfully submits that new claims 45-51 each include additional elements that further distinguish claims 45-51 over the cited references. For at least these reasons, Applicant respectfully submits that claims 45-51 are allowable over the cited references.

With respect to new claim 52, Applicant respectfully submits that, similar to the discussion above regarding amended claim 26, the cited references do not disclose a system comprising: means for maintaining a payment account in a user-accessible electronic wallet corresponding to a particular user; and means for restricting where funds in the payment account can be spent, as recited in new claim 52. For at least these reasons, Applicant respectfully submits that claim 44 is allowable over the cited references.

With respect to new claims 53-54, new claims 53-54 depend from new claim 52 and Applicant respectfully submits that new claims 53-54 are each

allowable over the cited references at least because of their dependency on new claim 52. Furthermore, Applicant respectfully submits that new claims 53-54 each include additional elements that further distinguish claims 53-54 over the cited references. For at least these reasons, Applicant respectfully submits that claims 53-54 are allowable over the cited references.

Conclusion

Claims 26-33 and 43-54 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: 3/1/05

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